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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3932

11 **ELLIOT MILES STONE**
12 **42451 15th Street West**
13 **Lancaster, CA 93534**
Pharmacy Technician License No. TCH
14 **82587**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about March 28, 2008, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 82587 to Elliot Miles Stone ("Respondent"). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on July 31, 2011, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code ("Code") unless otherwise indicated.

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STATUTORY PROVISIONS

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. . ."

6. Section 4059, subdivision (a), of the Code provides: "A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

7. Section 4300 permits the Board to take disciplinary action to suspend or revoke a license issued by the Board.

8. Section 4301 states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs..."

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violate Law Regulating Controlled Substances)**

3 17. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
4 Code for unprofessional conduct, in that Respondent violated a law regulating controlled
5 substances. Complainant refers to, and by this reference incorporates, the allegations set forth in
6 paragraphs 13 through 16, inclusive, above, as though set forth fully.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 18. Respondent is subject to disciplinary action under section 4301 of the Code for
10 unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations
11 set forth in paragraphs 13 through 16, inclusive, above, as though set forth fully.

12 **PRAYER**

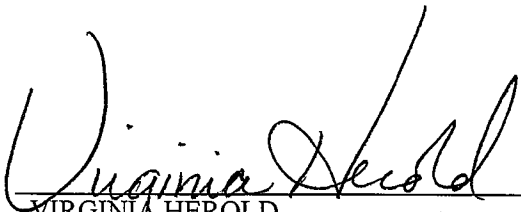
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Pharmacy issue a decision:

15 1. Revoking or suspending Pharmacy Technician License Number TCH 82587, issued
16 to Elliot Miles Stone;

17 2. Ordering Elliot Miles Stone to pay the Board of Pharmacy the reasonable costs of the
18 investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

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22
23 DATED: 5/18/11

24 
25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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